

REMARKS

This Amendment is submitted in response to the Office Action dated May 7, 2003, wherein the Examiner rejected claims 1-20, all of the claims pending in this application. Applicant respectfully requests reconsideration in light of the amendments and remarks herein.

Claims 1-20 are pending in the subject application and claims 1 and 8 have been amended. Claims 1 and 8 are independent. Support for the revisions to claims 1 and 8 can be found throughout the Specification, for example, in paragraph 14, which states that the visible light has a wavelength range from 400nm to 700nm. Applicant respectfully asserts that no new matter has been added.

Rejection Under 35 U.S.C. 102(a)

The present invention is not anticipated by Kawakubo et al., (US 6,246,656)

Claims 1-6 were rejected under 35 USC §102(a) as being anticipated by U.S. Patent No. 6,246,656 to Kawakubo et al. (Kawakubo). Applicant respectfully traverses the rejection and requests reconsideration in light of the amendment and remarks set forth herein.

Applicant respectfully asserts that Kawakubo fails to teach the present invention. Claim 1 recites "an optical information recording medium comprising: a substrate, a light-reflective layer formed on the substrate; a recording layer formed on the light-reflective layer... and a thin protective layer formed directly on the recording layer...made of a photocurable resin that has been cured by being irradiated with visible light, wherein the visible light does not include ultraviolet light". Thus the protective layer is made of a visible light **curable** resin.

Kawakubo, however, discloses an optical recording medium comprising a substrate, reflective layer and an organic dye recording layer. As stated in Column 7, lines 55 to 60, a

“light transmissive layer used for light irradiation for reading or recording information is deposited thereon” onto the organic dye recording layer. This, according to the Examiner, corresponds to the thin protective layer of the present invention, which is “made of a photocurable resin that has been cured by being irradiated with visible light, wherein the visible light does not include ultraviolet light”. However, Kawakubo’s light transmissive layer is not made of visible light curable resin. Rather, it is “formed by coating a liquid ultraviolet curing resin on the organic dye recording layer.” Therefore, Applicant’s optical information recording medium, which has a thin protective layer made of visible light curable resin, is in no way anticipated or suggested by the optical recording medium of Kawakubo, which comprises a light transmissive layer made of an ultraviolet curing resin.

Applicant respectfully asserts that since the light transmissive layer of Kawakubo differs from and does not even suggest the thin protective layer of the present invention, Kawakubo in no way anticipates or renders obvious the present application.

Accordingly, Applicant respectfully submits that the application is not anticipated by Kawakubo and requests that the Examiner reconsiders and withdraws the rejection of claims 1-6 under 35 U.S.C. §102(a).

Rejection Under 35 U.S.C. 102(e)

The present invention is not anticipated by Usami (US Application Publication No. 2002/0034155)

Claims 1-20 were rejected under 35 USC §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0034155 to Usami (Usami).

Applicant notes that Uasmi is not prior art as to this application because Usami's filing date is September 21, 2001, later than the priority date of the present application, March 6, 2001. Therefore Usami is not prior art against the present application.

In accordance with 37 C.F.R. §1.55(a)(4), a sworn translation of the priority document of the present application is enclosed herewith.

Accordingly, Applicant respectfully requests withdrawal of this rejection.

No fee, other than that for the accompanying Petition for Extension of Time, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, such fee may also be charged to Deposit Account No. 19-4709. Early and favorable action in the above-identified application is respectfully requested.

Respectfully submitted,

David D. Schaeffer
Reg. No. 32,716
By *for*
Lawrence Rosenthal
Registration No. 24,377
Attorney for Applicant
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, New York 10038-4982
(212) 806-5400